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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,547	03/25/2004	Bryan Abish	16669-1US AD/mb	4898
20988	7590	07/25/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/808,547

Applicant(s)

ABISH, BRYAN

Examiner

Adam C. Rehm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/24/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lamp shade and support platter formed of one piece must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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***Specification***

2. The specification is objected to because of the following informalities: Paragraph 40, the fragment "lamp shade that is..." appears to be incorrect.
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 16 recites a lamp shade and support platter formed as one piece. The specification fails to disclose such.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 39 recites the limitation "said means for closing." There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

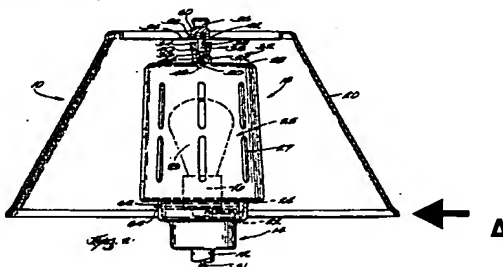
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

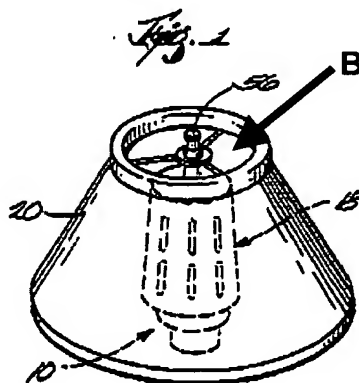
5. Claims 15, 17-21 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by SCHUMAKER (US 5,392,204). SCHUMAKER discloses:

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- A lamp for selectively blocking out light (10, Fig. 2; has a lamp shade 20 for selectively blocking out light);
- A lamp body having a lower base at a first end (12, generally);
- An incandescent/fluorescent light bulb (26, Column 2, Lines 50-52);
- An electrical socket at a second end (16, Column 2, Lines 8-11);
- A lamp shade having mounting means for mounting said lamp shade at a level of said socket (Fig. 2, Ref. A below illustrates lamp shade 20 having a lower rim that is level with said socket 16);



- An upper aperture allowing vertical access to said light bulb for placing a dome (18) over said light bulb within said lamp shade (Fig. 1, Ref. B below illustrates a lamp shade 20 having an upper aperture that is capable of providing access so that upon mounting of the shade 20 to the dome 18, a user can reach through the aperture to grip dome 18 and then mount over light bulb 26); and



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- A circular platter for supporting the dome having a centrally positioned circular aperture for mating with said socket (14, Fig. 2, Column 1, Lines 59-60) having a threaded/annular ring/flange (22, Column 1, Lines 61-63).
6. Claims 30, 31, 34, 35, 37, 43, 47, 48 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by PALLANES (US 5,975,724). PALLANES discloses:

- A lamp used to selectively block out light (20);
- A lamp body (24);
- A electrical socket at one end (26);
- A light bulb (28);
- A removable opaque covering dome be placed on top of said light bulb for substantially blocking light being generated by said light bulb (22/44);
- A circular dome-support platter having a flange (42) and a central aperture for mating with the socket such that said covering dome is independent of said lamp and does not come into contact with said lamp body and said light bulb (30, Fig. 2 illustrates a depending portion of 30 that engages the socket 26); and
- A handle or gripping means for manipulating the dome (50, Column 3, Lines 39-44).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over SCHUMAKER (US 5,392,204) as applied to claim 15, which discloses the claimed invention except for a lamp shade and support platter formed as one piece. However, it would have been obvious to one having ordinary skill in the art at the time of invention to form the lamp shade and support platter as one piece, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

8. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over PALLANES (US 5,975,724) as applied to claim 43 above, which discloses the claimed invention except for a support platter that is welded to a socket. However, it would have been obvious to one having ordinary skill in the art at the time of invention to weld the platter to the socket, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

9. Claims 22, 32, 33, 44, 45, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over PALLANES (US 5,975,724) as applied to claims 15, 30, 31 and 43 above, and further in view of applicants admitted prior art.

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10. Regarding Claims 22, 49 and 50, PALLANES provides the elements as recited above, but does not explicitly disclose mounting means comprising three branches attached to a ring for receiving said socket. However, applicant discloses a shade having branches (Paragraph 38) and admits that some lamps are already equipped with lamp shades having vertical access from the top (Paragraph 40). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the PALLANES lamp shade with applicant's admitted prior art and use such a lamp shade in order to provide vertical access from the top.

11. Regarding Claims 32, 33, 44 and 45, PALLANES provides the elements as recited above, but does not explicitly disclose a threaded socket for engaging a support platter. However, applicant admits that threaded rings are standard and found in common lamps (Paragraph 30). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the PALLANES engagement means with applicant's admitted prior art and use a standard threaded engagement ring in order to secure the support platter.

12. Claims 29, 42 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHUMAKER (US 5,392,204) as applied to claim 15 above and PALLANES (US 5,975,724) as applied to claims 30 and 43 above, and further in view of DUTKA ET AL. (US 2003/0026099). SCHUMAKER and PALLANES provide the elements as recited above, but do not provide a fluorescent bulb. However, DUTKA ET. AL. teaches that a fluorescent bulb is preferred because they generate less heat and therefore present the



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least possibility of discomfort or burn injury and the least risk of fire (Paragraph 15, Lines 1-10). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the devices of SHUMAKER and PALLANES with applicant's admitted prior art and use a fluorescent bulb in order to avoid user injury and/or fire.

13. Claims 38-41 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over PALLANES (US 5,975,724) as applied to claims 30 and 43 above, and further in view of HOLZHACKER (US 5,276,601). PALLANES provides the elements as recited above, but does not provide one or two domes with apertures that can be closed via sliding or alignment. However, HALZHACKER teaches the use of one or two domes (10, Fig. 2 illustrates two frames/domes having different diameters 40/42) having reflectors/doors 16 that can be selectively opened via sliding and rotating (Column 6, Lines 26-32) or alignment (Column 4, Lines 11-23) in order to direct light in a desired direction and conserve energy (Column 2, Lines 45-53). It would have been obvious to one of ordinary skill in the art at the time of invention to modify PALLANES and use apertures as taught by HALZHACKER in order to provide more efficient lighting.

14. Claims 36 and 51 and are rejected under 35 U.S.C. 103(a) as being unpatentable over PALLANES (US 5,975,724) as applied to claims 30 and 43 above, and further in view of BENNETT. (US 4,809,145). PALLANES provides the elements as recited above, but does not explicitly recite a dome made of ceramic. However, BENNETT

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teaches a dome made of ceramic or other materials that do not conduct electricity or pose a fire hazard (Column 2, Lines 23-26). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the PALLANES dome and use ceramic as taught by BENNETT in order to provide a device with heightened safety.

***Allowable Subject Matter***

15. Claims 1-14 are allowed.

16. Claims 23-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-14, 23-28 are allowable because none of the prior art of record suggests: a lamp comprising: (a) a lamp body having a removable opaque covering dome placed around a light bulb for substantially blocking light; (b) a lamp shade having mounting means at a level of said socket and an upper aperture allowing vertical access to said light bulb; and (c) a support platter positioned at said level of said socket for supporting said covering dome.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. NOE (US 2,185,694) discloses a lighting device having a dome that is supported by a socket-mounted platter.

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19. RILEY (US 3,825,743) discloses a lampshade having a cylinder constructed of ceramic.

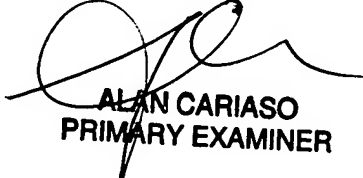
20. THOMAS (US 5,909,954) discloses a reflective shade for a table lamp having removeable translucent plastic disks mounted within the shade.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR  
7/18/2005

  
ALAN CARIASO  
PRIMARY EXAMINER